

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

SEAN CRAWFORD, :  
Plaintiff, :  
: :  
v. : No. 24-cv-0798  
: :  
COUNTY OF CHESTER, *et al.* :  
Defendants. :  
:

**O R D E R**

AND NOW, this 21<sup>st</sup> day of May, 2024, upon consideration of Defendants County of Chester and George Roberts's Motion to Dismiss (ECF No. 14), Defendants David Kneal, Karen Murphy, PrimeCare Medical, Inc., and Martin Zarkoski's Motion to Dismiss (ECF No. 21), Plaintiff Sean Crawford's Opposition thereto (ECF No. 27) and Defendants' County of Chester and George Roberts's Reply thereon (ECF No. 29), it is **ORDERED** that:

1. The Motions are **GRANTED IN PART** and **DENIED IN PART** for the reasons stated in the Court's accompanying Memorandum as follows:
  - a. The Motion is **DENIED** as to Crawford's claims for deliberate indifference to his dental needs against the County of Chester, PrimeCare and Drs. Kneal and Zarkoski in their individual capacities based on the alleged "extraction only" dental care policy or custom at CCP;
  - b. The Motion is **GRANTED** as to the remaining claims against the moving Defendants, which are **DISMISSED WITHOUT PREJUDICE**.
  - c. The Clerk of Court is **DIRECTED** to **TERMINATE** Defendants Roberts and Murphy on the docket because there are currently no claims remaining against them in this case.

2. If Crawford believes that he can cure the defects in the claims that the Court dismissed from this case, he may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption and must state all of the factual bases for Crawford's claims against each defendant by specifying the "who," "what," "where," "when," and "how" of each claim. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. **If Crawford files an amended complaint and still intends to proceed on the claims the Court did not dismiss, he must replead those claims including all of the facts supporting those claims or they will not be considered part of this lawsuit.**<sup>1</sup> When drafting his amended complaint, Crawford should be mindful of the Court's reasons for dismissing the claims in his initial Complaint as explained in the Court's Memorandum.

3. The Clerk of Court is **DIRECTED** to send Crawford a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Crawford may use this form to file his second amended complaint if he chooses to do so.

4. If Crawford files an amended complaint, the Defendants shall respond in the time frame set forth in Federal Rule of Civil Procedure 15(a)(3).

5. If Crawford does not file an amended complaint in response to this Order, the case will proceed only on Crawford's claims for deliberate indifference to his dental needs against the County of Chester, PrimeCare and Drs. Kneal and Zarkoski in their individual

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<sup>1</sup> Crawford should note that "an amended pleading supersedes the original pleading and renders the original pleading a nullity." *Garrett v. Wexford Health*, 938 F.3d 69, 82 (3d Cir. 2019). In other words, "the most recently filed amended complaint becomes the operative pleading." *Id.* This means that if Crawford files an amended complaint, it is that document and that document alone that governs the contours of his claims.

capacities based on the alleged “extraction only” dental care policy or custom at CCP. If Crawford does not wish to file an amended complaint, he may submit a notice to that effect with this case number on it, 24-798, for faster proceedings on his remaining deliberate indifference claims.

6. The Clerk of Court is **DIRECTED** to send another copy of the USM-285 form to Crawford in the event he can provide a proper address for service on Defendant Kevin Gaffney.

7. If Crawford does not file an amended complaint, Defendants County of Chester, PrimeCare, and Drs. Kneal and Zarkoski shall file an answer to the remaining claims within fourteen (14) days of the date of Crawford’s notice that he seeks to proceed on his remaining claims or the expiration of the time for him to file an amended complaint, whichever is earlier.

**BY THE COURT:**

*/s/ Joseph F. Leeson, Jr.*

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**JOSEPH F. LEESON, JR.**  
**United States District Judge**